

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 12, 2006

AMENDED IN SENATE AUGUST 23, 2005

AMENDED IN ASSEMBLY MARCH 17, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 379

Introduced by Assembly Member Koretz
(Principal coauthor: Senator Ortiz)

February 11, 2005

An act to add Article 2.5 (commencing with Section 118947) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Koretz. Smoking in vehicles with minor passengers.

Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction punishable, for the 2nd and subsequent violations, by a fine not exceeding \$100 for a person to smoke a pipe, cigar, or cigarette in a motor vehicle, whether in motion or at rest, in which there is a child passenger who is required to be secured in a child passenger restraint system.

This bill would require the State Department of Health Services to conduct, as a part of its ongoing public education and awareness campaign, a public education program regarding the dangers of

secondhand smoke in confined places, and to the extent that funds are available, the bill would require the department to inform the public of the bill's prohibitions and requirements.

~~The bill would require the Department of Motor Vehicles to include within the California Driver's Handbook and the mailing of vehicle registration renewal a provision describing these prohibitions and penalties.~~

The bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to accomplish
- 2 both of the following:
- 3 (a) To encourage all affected parties to continue to educate
- 4 families of the health implications of secondhand smoke on
- 5 children, particularly involving motor vehicles, and to educate
- 6 the general public regarding its responsibilities in implementing
- 7 this act.
- 8 (b) To educate drivers by publishing in the California Driver's
- 9 Handbook the new restrictions established by this act and the
- 10 consequences of failing to comply with those restrictions, and to
- 11 include this information with the mailing of vehicle registration
- 12 renewals.
- 13 SEC. 2. Article 2.5 (commencing with Section 118947) is
- 14 added to Chapter 4 of Part 15 of Division 104 of the Health and
- 15 Safety Code, to read:

Article 2.5. Smoking in Motor Vehicles

118947. This act shall be known, and may be cited, as the Marco Firebaugh Memorial Children’s Health and Safety Act of 2006.

118948. (a) It is unlawful for a person to smoke a pipe, cigar, or cigarette in a motor vehicle, whether in motion or at rest, in which there is a child passenger who is required under the Vehicle Code to be secured in a child passenger restraint system.

(b) For the purposes of this section, to “smoke” means to have in one’s immediate possession a lighted pipe, cigar, or cigarette containing tobacco or any other plant.

(c) The first violation of this section is an infraction and shall not be subject to a fine. Any subsequent violation of this section is an infraction punishable by a fine not exceeding one hundred dollars (\$100) for each violation.

118949. (a) As part of its ongoing public education and awareness campaign, the Tobacco Control Section of the State Department of Health Services shall conduct a public education program to inform the public of the dangers of secondhand smoke in confined spaces, particularly the danger to children.

~~(b) The Department of Motor Vehicles shall include within the California Driver’s Handbook and the mailing of vehicle registration renewal a provision describing the prohibitions and penalties set forth in this article.~~

~~(c)~~

~~(b)~~ To the extent that funds are available, the department shall inform the public of the provisions of this article.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.